

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

**FRANCIS W. HOOKER, Jr.,
for himself and on behalf of all
similarly situated individuals,**

Plaintiff,

v.

Case No.: 4:13-cv-00003 (AWA/LRL)

SIRIUS XM RADIO, INC.

Defendant.

DECLARATION OF ABBAS KAZEROUNIAN

I, Abbas Kazerounian, am one of the attorneys for plaintiff Erik Knutson in the matter entitled, *Knutson v. Sirius XM Radio Inc.*, 3:12-cv-00418-AJB-DHB (S.D. Cal.), filed on February 15, 2012 (“*Knutson* Action”). I am also counsel of record for Francis W. Hooker in the present action, with my application to appear *pro hac vice* having been approved on September 3, 2015. I am over 18 years of age and competent to make the following statement. All of the statements below are based on my personal knowledge and, if called as a witness, I could and would testify competently thereto.

1. I am an attorney admitted to the State Bar of California in 2007 and have been a member in good standing since that time. I am admitted to practice in the state of California, Texas, Illinois, Washington, and Michigan and the District of Columbia. I have litigated cases in courts in California, Washington, Ohio, Nevada, New Jersey, Arkansas, Tennessee, New York, Pennsylvania, Illinois, Colorado, Arizona and Texas. I am also admitted in every federal district in California and have handled federal litigation in the federal districts of California, including being admitted to the Ninth Circuit Court of

Appeals and the United States Supreme Court. I am a partner with the law firm Kazerouni Law Group, APC.

2. I am writing this declaration in support of the motion for preliminary approval of nationwide class action settlement in this matter of *Hooker v. Sirius XM Radio, Inc.*, 4:13-cv-00003-AWA-LRL (E.D. Va.), an action alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*
3. The *Knutson* Action has been litigated since February 15, 2012 in the Southern District of California. In that matter, the court granted Sirius XM Radio Inc.'s motion to compel arbitration on May 31, 2012, which decision was reversed by the Ninth Circuit Court of Appeals on November 10, 2014. As the attorney for Mr. Knutson, I participated in oral argument before the Ninth Circuit Court of Appeals, which resulted in a favorable decision for Mr. Knutson.
4. The parties in the *Hooker* Action have engaged in highly contested litigation since the action was filed on January 4, 2013, including substantial discovery and motion practice.
5. I actively participated a co-lead counsel in the mediation of the *Hooker* Action that took place in Oakland, California. Taking into account the burdens, uncertainty and risks inherent in this litigation, Plaintiff's counsel have concluded that further prosecution of this action through trial would be protracted, burdensome, and expensive, and that it is desirable, fair, and beneficial to the nationwide settlement class that the action now be fully and finally compromised, settled and terminated in the manner and upon the terms and conditions set forth in the settlement agreement.
6. As a result of the mediation and subsequent settlement discussions, it is my opinion that the nationwide settlement class as defined in the settlement agreement in the *Hooker* Action is fair, reasonable and in the best interests of the settlement class in the action for alleged violations of the TCPA.
7. I have been authorized by Mr. Knutson to sign the class action settlement agreement in the *Hooker* Action on his behalf.

8. I am unaware of any conflict of interest between Mr. Knutson and the settlement class members or between Mr. Knutson and his counsel or counsel in the *Hooker* Action.

Kazerouni Law Group, APC's Experience

9. Kazerouni Law Group, APC seeks appointment as Class Counsel in this action for the nationwide settlement.
10. As one of the main plaintiff litigators of consumer rights cases in Southern California, I have been requested to and have made regular presentations to community organizations regarding debt collection laws and consumer rights, including the TCPA. These organizations include Whittier Law School, Iranian American Bar Association, Chapman Law School, University of California, Irvine, and California Western School of Law.
- a) I was the principle anchor on Time Television Broadcasting every Thursday night as an expert on consumer law generally, and the TCPA specifically, between 2012 and 2013.
- b) I am a member in good standing of the following organizations:
- Consumer Attorneys Association of Los Angeles
 - Orange County Bar Association
 - National Consumer Law Center
 - American Association for Justice
 - Federal Bar Association
 - Two time former President of the Orange County Iranian American Bar Association
 - National Association of Consumer Advocates
 - Consumer Attorneys of California – Board of Governors
 - Orange County Trial Lawyers Association
- c) I am an adjunct professor at California Western School of Law where I teach a three-credit course in consumer law, including the TCPA.
- d) I have extensive experience prosecuting cases related to consumer issues. My firm,

Kazerouni Law Group, APC, in which I am a principal, has litigated over 1000 individual based consumer cases and litigated over 500 consumer class actions. These class actions were litigated in federal and state courts in Arizona, California, Washington, Ohio, Nevada, New Jersey, New York, Minnesota, Missouri, Tennessee, Illinois and Texas, as well as California State Courts. Approximately 95% percent of my practice concerns consumer litigation in general, and approximately 50% percent of my class action practice involves litigating claims under the TCPA.

- e) I have been named Rising Star by San Diego Daily Tribune in 2012, and Rising Star in Super Lawyers Magazine in 2013, 2014 and 2015. I was named a Super Lawyer by Super Lawyers Magazine in 2016.
 - f) I was selected for membership into The National Trial Lawyers: Top 40 Under 40 in 2016.
 - g) I was a panelist in a webinar, ABA Telephonic Brown Bag re: TCPA, on August 25, 2015.
 - h) I lectured in Class Action Trends at the CAOC 2015 Conference in San Francisco, California.
 - i) In January of 2016, I spoke on the impact of the Federal Communications Commission's 2015 Declaratory Ruling on TCPA litigation at the ABA National Convention in Salt Lake City, Utah.
 - j) In May of 2016, I spoke on Class Action Trends at the CAOC seminar in Palm Springs, California.
 - k) I was a speaker at the The Knowledge Group's national webinar in 2016 on the impact of the Federal Communications Commission's July 10, 2015 ruling on the TCPA.
11. I have filed and litigated numerous consumer rights action based on the TCPA and federal and state debt collection statutes in the past several years. The following is a non-

exhaustive list of consumer rights class actions that I am or have been personally involved in:

- a. *Hoffman v. Bank of America Corporation*, 12-CV-00539-JAH-DHB (S.D. Cal.) (California class action settlement under Penal Code 632 et seq., for claims of invasion of privacy. Settlement resulted in a common fund in the amount of \$2,600,000; finally approved);
- b. *Malta, et al. v. Wells Fargo Home Mortgage, et al.*, 10-CV-1290 IEG (BLM) (Served as co-lead counsel for a settlement class of borrowers in connection with residential or automotive loans and violations of the TCPA in attempts to collect on those accounts; obtained a common settlement fund in the amount of \$17,100,000; final approval granted in 2013);
- c. *Conner v. JPMorgan Chase Bank, et al.*, 10-CV-1284-DMS (BGS) (S.D. Cal.) (finally approved for \$11,973,558);
- d. *In Re: Midland Credit Management, Inc., Telephone Consumer Protection Act Litigation*, 11-md-2286-MMA (MDD) (S.D. Cal.) (Counsel for a Plaintiff in the lead action, prior to the action being recategorized through the multi-district litigation process; preliminarily approved for \$18,000,000);
- e. *In Re: Portfolio Recovery Associates, LLC Telephone Consumer Protection Act Litigation*, 11-md-02295-JAH (BGS) (Counsel for a Plaintiff in the lead action, prior to the action being recategorized through the multi-district litigation process; preliminarily approved for \$18,000,000);
- f. *Arthur v. SLM Corporation*, 10-CV-00198 JLR (W.D. Wash.) (nationwide settlement achieving \$24.15m; final approval granted in 2012)
- g. *Lo v. Oxnard European Motors, LLC, et al.*, 11-CV-1009-JLS-MDD (S.D. Cal.) (achieving one of the highest class member payouts in a TCPA action of \$1,331.25; final approval granted in 2012);

- h. *Sarabri v. Weltman, Weinberg & Reis Co., L.P.A.*, 10-01777-AJB-NLS (S.D. Cal.) (approved as co-lead counsel and worked to obtain a national TCPA class settlement where claiming class members each received payment in the amount of \$70.00; final approval granted in 2013);
- i. *Barani v. Wells Fargo Bank, N.A.*, 12-CV-02999-GPC-KSC (S.D. Cal.) (Class action settlement under the TCPA for the sending of unauthorized text messages to non-account holders in connection to wire transfers; finally approved for \$1,033,361.95, in which I was co-lead counsel);
- j. *Sherman v. Yahoo!, Inc.*, 2014 U.S. Dist. LEXIS 13286; 13-CV-0041-GPC-WVG (S.D. Cal.) (TCPA class action where Defendant's motion for summary judgment was denied holding that a single call or text message with the use of an ATDS may be actionable under the TCPA).
- k. *Iniguez v. The CBE Group, Inc.*, 2013 U.S. Dist. LEXIS 127066 (E.D. Cal.); 13-CV-00843-JAM-AC (the court denying Defendant's motion to dismiss and to strike class allegations holding that the TCPA applies to any call made to a cellular telephone with an ATDS);
- l. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 12-CV-04010-SI (N.D. Cal.) (Finally approved for \$39,975,000);
- m. *Newman v. ER Solutions, Inc.*, 11-CV-0592H (BGS);
- n. *In Re Jiffy Lube International, Inc.*, MDL No. 2261 (Finally approved for \$47,000,000.00);
- o. *Sherman v. Kaiser Foundation Health Plan, Inc.*, 13-CV-0981-JAH (JMA) (S.D. Cal.) (finally approved for \$5,350,000);
- p. *Couser v. Comenity Bank*, No. (S.D. Cal.) (finally approved TCPA class action with common fund of \$8,475,000);
- q. *Olney v. Job.com, Inc. et al.*, No. 12-cv-01724-LJO-SKO (E.D. Cal.);

- r. *Lemieux v. EZ Lube, Inc. et al.*, 12-cv-01791-BAS-JLB (S.D. Cal.) (finally approved for \$479,364);
- s. *Knutson v. Schwan's Home Service, Inc. et al.*, 3:12-cv-00418-AJB-DHB (S.D. Cal.) (finally approved for \$2,535,280);
- t. *Rose v. Bank of Am. Corp.*, No. 11-cv-02390-EJD (N.D. Cal.) (finally approved for \$32,000,000);
- u. *Knell v. FIA Card Services, N.A.*, 12-cv-00426-AJB-WVG (S.D. Cal.) (finally approved for \$2,750,000.00);
- v. *Franklin v. Wells Fargo, N.A.*, No. 14-cv-2349-MMA-BGS (S.D. Cal.) (finally approved for \$14,550,198);
- w. *Abdeljalil v. GE Capital Retail Bank*, 12-cv-02078-JAH-MDD (S.D. al.) (Class Certification granted and preliminarily approved for \$7,000,000);
- x. *Barrett v. Wesley Financial Group, LLC*, 13-cv-00554-LAB-KSC (S.D. Cal.) (Class certification granted);
- y. *Gehrich v. Chase Bank, N.A.*, 12-cv-5510 (N.D. Cal.) (finally approved for \$34,000,000); and,
- z. *Mount v. Wells Fargo Bank, N.A.*, BC395959 (Sup. Ct. Los Angeles) (finally approved for \$5,600,000).

//

//

//

//

//

//

//

//

//

12. In addition to my class action experience, I have experience in commercial litigation and large-scale products liability litigation including a \$2.5 million dollar settlement in *Mei Lu Hwei, et al v. American Honda Motor Co., Inc., et al.* (Case No. BC401211 in Superior Court of California for County of Los Angeles). I have regularly litigated cases in state and federal courts, and have reached numerous confidential seven-figure settlements against internationally known companies.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 12, 2016

/s/ Abbas Kazerounian
Abbas Kazerounian